

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HESTAL LIPSCOMB,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-477 SLR
)	
ELECTRONIC DATA SYSTEMS)	
CORPORATION,)	
a Delaware Corporation,)	
)	
Defendant.)	JURY TRIAL DEMANDED

ORDER

At Wilmington this _____ day of _____, 2005, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by October 7, 2005 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

a. Discovery will be needed on the following subjects:

For the Plaintiff: (1) the policies, procedures and practices of defendant and its third-party administrator with respect to FMLA leave for defendant's employees; (2) the working relationship between defendant and its third-party administrator regarding FMLA leave for defendant's employees; (3) the defendant's decision making process with respect to plaintiff's request for FMLA leave; and (4) the defendant's decision making process with respect to its decision to terminate plaintiff.

For the Defendant: (1) The allegations in Plaintiff's complaint regarding FMLA interference; (2) the allegations in Plaintiff's complaint regarding FMLA retaliation; (3) the allegations regarding Plaintiff's request for damages; and (4) any allegations alleged with particularity in Plaintiff's complaint.

b. All fact discovery shall be commenced in time to be completed by May 1, 2006.

c. Maximum of 40 interrogatories by each party to any other party; additional interrogatories may be propounded by agreement of the parties or leave of court.

d. Maximum of 40 requests for admission by each party to any other party.

e. Maximum of 6 depositions by plaintiff and 6 by defendant.

f. Each deposition limited to a maximum of 7 hours unless extended by agreement of parties.

g. Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by February 28, 2006. Rebuttal expert reports due by March 31, 2006.

h. **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to ~~two~~ **(2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties or amend the pleadings shall be filed on or before January 3, 2006.

Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of ADR.

4. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before June 15, 2006. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

5. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions *in limine* shall be filed on or before two weeks before pre-trial conference. All responses to said motions shall be filed on or before one week before pre-trial conference.

8. **Pre-trial Conference.** A pre-trial conference will be held on _____, 2006 at _____ m. in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pre-trial conference.

9. **Trial.** This matter is scheduled for a _____ day trial commencing on _____ in courtroom 6B, located at 844 King Street, Wilmington, Delaware. For purposes of completing pre-trial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

UNITED STATES DISTRICT JUDGE